IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No. 155 /2002

PETITIONER : Jitendra Kumar Mishra,
S/o Late Shri Chandrabali Mishra,
Aged about 19 years,
Occupation- Unemployed,
R/o Range Workshop, Police Line,
Bilaspur.

- Versus –

RESPONDENTS : 1. State of Chhattisgarh,
Through Secretary,
Department of Home, Mantralaya,
D.K.S.Bhawan, Shastri Chowk,
Raipur.

2. Inspector General of Police,
Bilaspur.

3. Superintendent of Police,
Janjgir Chanpa.

4. Superintendent of Police,
Bilaspur.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION ETC. OR ANY OTHER SUITABLE ORDER OR DIRECTION TO DO JUSTICE IN THE MATTER.

Details of the petition.

1. PARTICULARS OF THE PETITIONER :

As per cause title.

2. PARTICULARS OF THE RESPONDENTS :

As per cause title.

(69) AFR

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 155/2002

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

18.7.2002

Petitioner by Shri Prashant Mishra, Advocate.

Respondents-State by Shri Ranbir Singh, Govt. Advocate.

Heard.

By this petition under Article 226/227 of the Constitution of India the petitioner is seeking the relief of compassionate appointment on the ground that his father Late Chandrabali Mishra died while he was in service of police department. Learne counsel for the petitioner pointed out that as per the guideline Annexure R/4 dated 10.6.1994 the petitioner was entitled to get compassionate appointment as such the order Annexure P/ dated 19.8.1999 was issued. Learned counsel for the petitioner further pointed out that in Annexure P/3 name of three applicants are there, family members of Smt. Ram Pyari Wd/o Late Ram Singh, Constable No. 563 and Smt. Shyam Bai Wd/o Late Manharan Kurre, Constable No. 1065 have been given compassionate appointment but same benefit has not been given to the family member of Smt. Shivdevi Mishra Wd/o Late

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Chandrabali, Constable No. 880 whose name finds place at Sr.No.2 in the order Annexure P/3. Counsel for petitioner further submits that the claim of the petitioner has been denied on the basis of guidelines Annexure P/13 which came into force from 1.5.2000 and the guidelines Annexure R/5 which came into force from 14.1.2000, whereas the petitioner is entitled to get compassionate appointment on the basis of the guidelines Annexure R/4 and on that basis the order Annexure P/3 was issued, and as the benefit has been given to two other similarly situated persons, hence the petitioner is entitled for same benefit.

In support of his contention learned counsel for the petitioner placed reliance on a decision of this Court reported in 2002(1) C.G.L.J. 257 (Smt. Bhunbai Sahu Vs. State of Chhattisgarh) and also on a decision of Hon'ble Supreme Court reported in (2000) 6 SCC 493 (Balbir Kaur and another Vs. Steel Authority of India Ltd. and others), wherein it has been held that "The Family Benefit Scheme cannot in any way be equated with

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

compassionate appointment. The sudden jerk in the family by reason of the death of the breadearner can only be absorbed by the family by lump-sum amount provided to it- this is rather unfortunate but this is a reality. The feeling of security drops to zero on the death of the breadearner and insecurity thereafter reigns, and at that juncture if some lump-sum amount is made available with a compassionate appointment, the grief-stricken family may find some solace to the mental agony and manage its affairs in the normal course of events." It is further held that "denial of compassionate appointment would neither be fair nor reasonable in the context of constitutional philosophy. The concept of social justice is the yardstick to the justice administration system or the legal justice. The greatest virtue of law is in its adaptability and flexibility. The court ought to apply law depending upon the situation because law is made for the society. Whatever is beneficial for the society, the endeavor of the law court would be to administer justice having due regard to it.

2/2000—50,000.

(12)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -1-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Having thus considered the facts and circumstances and material available on record in the opinion of this Court the ends of justice would be served if a direction is given to the respondents to consider and decide the claim of the petitioner for compassionate appointment within a period of one month from the date of production/receipt of copy of this order in accordance with the circular/guidelines dated 10.6.1994 Annexure R/4 which was applicable at the time of passing of the order dated 19.8.99 Annexure P/3 and cases of two similarly situated persons were considered.

With the above observation this petition is disposed of.

Certified copy as per Rules.

A copy of this order be supplied to Shri Ranbir Singh, Govt. Advocate who shall forward it to the authorities.

Sd/-
Fakhruddin
Judge

Thakur

GRPRJ—FS/350—12/2000—50,000.